

REMARKS

In view of the amendments and remarks previously submitted on May 7, 2009 and in view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

I. Priority Issues

The Outstanding Office action indicates that the Applicant has not filed a certified copy of the Japanese application as required by 35 U.S.C § 119(b). The Applicant respectfully submits that this issue has been addressed in the remarks previously submitted on May 7, 2009.

Therefore, for the same reasons discussed in the remarks submitted on May 7, 2009, the Applicant respectfully requests that the Examiner acknowledge the Applicant's claim of foreign priority and confirm receipt of the certified copy of the foreign priority document.

II. Amendments to the Claims

By this Supplemental Amendment claims 6-11 and 14 have been amended to further clarify the features of the invention recited therein.

III. 35 U.S.C. §101 Rejection

Claims 8-13 were rejected under 35 U.S.C. § 101 for failure to recite statutory subject matter. Claims 8-13 have been previously amended to overcome this 35 U.S.C. § 101 rejection. In addition, the present claim amendments will have no effect on the patentability of the present

claims in regards to this 35 U.S.C. § 101 rejection. As a result it is submitted that the rejection under 35 U.S.C. § 101 is inapplicable to claims 8-14.

IV. 35 U.S.C. § 112, Second Paragraph Rejections

Claims 6-13 were rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is believed clearly inapplicable to claims 6-13 since claims 6-13 have been previously amended to comply with the requirements of 35 U.S.C. § 112, second paragraph. In addition, the present claim amendments will have no effect on the patentability of the present claims in regards to this 35 U.S.C. § 112 rejection. As a result, withdrawal of this rejection is respectfully requested.

V. 35 U.S.C. § 103(a) Rejections

Claims 6-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Clisham et al. (U.S. 2004/0168052) and Vilcauskas et al. (U.S. 2002/0152874). Further, claim 10, 11 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Clisham, Vilcauskas and Gould et al. (U.S. 6,393,158). Finally, claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Clisham, Vilcauskas, Gould and the Examiner's Official Notice. These rejections are believed clearly inapplicable to claims 6-14 for the following reasons.

Amended independent claim 6 recites a method of reproducing content data, wherein the method includes a step of (i) prohibiting, during the reproduction of a main resource, a start of

reproducing a resource that is different from the main resource being reproduced and that requires the license information for reproduction thereof, and (ii) permitting, during the reproduction of a sub resource, a start of reproducing a resource that is different from the sub resource being reproduced and that requires the license information for reproduction thereof. Clisham and Vilcauskas, or any combination thereof, fails to disclose or suggest the above-mentioned distinguishing features as recited in amended independent claim 6.

Rather, Clisham merely teaches an electronic content communication system that provides content files from a server to a user (see Abstract). However, Clisham fails to disclose or suggest (i) prohibiting, during the reproduction of the main resource, a start of reproducing a resource that is different from the main resource being reproduced and that requires the license information for reproduction thereof, and (ii) permitting, during the reproduction of the sub resource, a start of reproducing a resource that is different from the sub resource being reproduced and that requires the license information for reproduction thereof, as required by claim 6.

The Applicant notes that Vilicauskas was relied upon for teaching the features of the claimed invention that were admittedly lacking from Clisham. However, Vilicauskas merely teaches an audio ownership system that determines whether a sufficient number of copies or licenses of a song are owned by the provider 34 to permit another download of the song (see Abstract and paragraph [0024]). Thus, in view of the above, it is clear that Vilicauskas fails to disclose or suggest (i) prohibiting, during the reproduction of the main resource, a start of reproducing a resource that is different from the main resource being reproduced and that requires the license information for reproduction thereof, and (ii) permitting, during the

reproduction of the sub resource, a start of reproducing a resource that is different from the sub resource being reproduced and that requires the license information for reproduction thereof, as recited in claim 6.

Therefore, because of the above-mentioned distinctions it is believed clear that claim 6 and claim 7 that depends therefrom would not have been obvious or result from any combination of Clisham and Vilcauskas.

Amended independent claim 8 is directed to a device and recites features that correspond to the above-mentioned distinguishing features of independent claim 6. Thus, for the same reasons discussed above, it is respectfully submitted that independent claim 8 and claims 9-14 that depend therefrom are allowable over any combination of Clisham and Vilcauskas.

Furthermore, there is no disclosure or suggestion in Clisham and/or Vilcauskas or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Clisham and/or Vilcauskas to obtain the invention of independent claims 6 and 8 and claims 7 and 9-14 that depend therefrom. Accordingly, it is respectfully submitted that independent claims 6 and 8 and claims 7 and 9-14 that depend therefrom are clearly allowable over the prior art of record.

Regarding dependent claims 10-13, which were rejected under 35 U.S.C. § 103(a) as being unpatentable over Clisham and Vilcauskas in view of various combinations of Gould and Official Notice (secondary references), it is respectfully submitted that these secondary references do not disclose or suggest the above-discussed features of independent claims 6 and 8 which are lacking from Clisham and Vilcauskas. Therefore, no obvious combination of Clisham

and Vilcauskas with any of the secondary references would result in, or otherwise render obvious, the invention recited independent claims 6 and 8 and the claims that depend therefrom.

VI. Conclusion

In view of the amendment and remarks previously submitted on May 7, 2009 and in view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975, with the EXCEPTION of deficiencies in fees for multiple dependent claims in new applications.

Respectfully submitted,

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